

## Ayres, Donald

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**From:** Gonzalez, Maria  
**Sent:** Wednesday, April 03, 2013 2:10 PM  
**To:** Guevara, David  
**Cc:** Lam, Shelly; Jansen, Sally  
**Subject:** RE: Kokomo Dixon Road

I have only been in contact with the insurer with respect to our information request and have not discussed the AOC with them. I have not heard back on the level of cost documentation that they want. Your message below indicates that you were waiting to hear from them. We will keep incurring costs at the site and will incur additional costs putting together cost documentation. I'm not sure it make sense to keep updating the cost figure. Should I proceed to ask our finance folks for a full cost documentation on the costs through 12/31/13? I was waiting to hear back from you on whether they still wanted that after reviewing the citations.

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**From:** Guevara, David [mailto:[DGuevara@taftlaw.com](mailto:DGuevara@taftlaw.com)]  
**Sent:** Wednesday, March 13, 2013 11:32 AM  
**To:** Gonzalez, Maria  
**Subject:** RE: Kokomo Dixon Road

Maria,

Last week I sent the insurer the cases you cited. I just e-mailed the insurer now requesting a response to my question concerning the level of cost documentation required. I will update you upon receipt of a response.

Thank you.

## Taft /

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**From:** Gonzalez, Maria [mailto:[gonzalez.maria@epa.gov](mailto:gonzalez.maria@epa.gov)]  
**Sent:** Tuesday, March 12, 2013 6:45 PM  
**To:** Guevara, David  
**Cc:** Jansen, Sally; Lam, Shelly  
**Subject:** RE: Kokomo Dixon Road

I plan to revise the AOC to include your change to paragraph 9.p, as well as fix the formatting. I hope to send you a revision soon. It will be subject to Agency review and comment.

p.s. Have you heard back from the City's insurer on the level of cost documentation?

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**From:** Guevara, David [<mailto:DGuevara@taftlaw.com>]  
**Sent:** Tuesday, March 05, 2013 1:05 PM  
**To:** Gonzalez, Maria  
**Cc:** Jansen, Sally; Lam, Shelly  
**Subject:** RE: Kokomo Dixon Road

Maria,

I am following up on the e-mail below. Have you had an opportunity to review?

Please advise.

Thank you.

## Taft /

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**From:** Guevara, David  
**Sent:** Monday, February 25, 2013 9:59 AM  
**To:** 'Gonzalez.Maria@epamail.epa.gov'  
**Cc:** [Jansen.Sally@epamail.epa.gov](mailto:Jansen.Sally@epamail.epa.gov); [Lam.Shelly@epamail.epa.gov](mailto:Lam.Shelly@epamail.epa.gov)  
**Subject:** RE: Kokomo Dixon Road

Maria,

I am appreciative of the revisions to the proposed agreement. However, § IV(9)(p) is not accurate.

### **Section IV(9)(p)**

Section IV(9)(p) states that “[d]rums and wastes could be located beyond the property boundaries.” However, according to the February 17, 2012 Site Assessment Report and the August 13, 2012 Action Memorandum, both drums and waste are, in fact, located beyond the property boundaries.

First, the Site Assessment documented “[s]everal partially buried drums . . . on the banks of the swale [that] appeared to be in deteriorated condition.”

Second, the Site Assessment stated that “[d]umping was observed out of the boundary of the city property all the way to the Wildcat Creek on the north side and on the Sutton Towing property to the north.” In fact, the Site Assessment documented “[a]uto parts, gasoline tanks, tires and metal slags . . . between the property fence and the rail road and on the Sutton Towing property.”

Third, surface soil sample KD-SS-01 is offsite. The Site Assessment documented that KD-SS-01 “exceeded EPA’s industrial RSL for lead of 800 mg/Kg.” Similarly, KD-SS-01 “exceeded the TCLP criteria of 5 mg/L for lead.”

Fourth, subsurface soil sample KD-SB-3 is offsite. The Site Assessment documented that KD-SB-3, at 10 to 12 feet, “exceeded EPA RSLs for arsenic in industrial soil of 1.6 mg/Kg.”

Fifth, the Action Memorandum noted that the “OSC observed that one of the drums was close to a child’s swing set on a neighboring residential property.”

Accordingly, can § IV(9)(p) be revised as follows:

“Drums and waste are located beyond the property boundaries. Lead in the surface soil beyond the property boundaries exceeds EPA’s industrial RSL and TCLP criteria. Arsenic in the subsurface soil beyond the property boundaries exceeds EPA RSLs for arsenic in industrial soil.”

Please advise.

Thank you.

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**From:** [Gonzalez.Maria@epamail.epa.gov](mailto:Gonzalez.Maria@epamail.epa.gov) [<mailto:Gonzalez.Maria@epamail.epa.gov>]  
**Sent:** Friday, February 15, 2013 7:55 PM  
**To:** Guevara, David  
**Cc:** [Jansen.Sally@epamail.epa.gov](mailto:Jansen.Sally@epamail.epa.gov); [Lam.Shelly@epamail.epa.gov](mailto:Lam.Shelly@epamail.epa.gov)  
**Subject:** RE: Kokomo Dixon Road

**CONFIDENTIAL: FOR DISCUSSION PURPOSES ONLY**

I am attaching a markup of the draft AOC, to reflect the changes we have been discussing, including the items discussed at our meeting, the language about potential off-site threats, the language in the activity description about notice of sampling, and the updated costs.

*(See attached file: AOCmarkupsent021513.pdf)*

The language and terms of the attached draft are subject to Agency review.

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